

SENATE BILL 388

Unofficial Copy
M1

1997 Regular Session
(7lr1852)

ENROLLED BILL

-- Budget and Taxation/Appropriations --

Introduced by **The President (Administration) and Senators Collins, Blount, Frosh, Hollinger, Craig, Green, Van Hollen, Dorman, and Middleton**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **"Smart Growth" and Neighborhood Conservation - Rural Legacy Program**

3 FOR the purpose of creating a Rural Legacy Program in the Department of Natural
4 Resources; establishing a Rural Legacy Board to administer the Program; providing
5 for the membership of the Board; providing that the Program is established to
6 enhance natural resources, agricultural, forestry, and environmental protection by
7 providing funds for the purchase of certain interests in real property; providing for
8 the funding of the Program; specifying criteria that the Board will apply in
9 administering the Program; providing for the approval of certain of the Board's
10 actions by the Board of Public Works; requiring that the Board and an approved
11 sponsor in the Program shall execute a certain grant agreement; providing for an
12 advisory committee to the Board to make recommendations for rural legacy
13 designations; requiring the Board to report annually to the Governor and General
14 Assembly; providing for the composition of the advisory committee; specifying the
15 amount of Program Open Space funds that may be used for capital purposes; requiring
16 the Governor to include in the annual capital budget a certain minimum amount;
17 declaring the intent of the General Assembly; authorizing the Governor to transfer

1 certain funds by budget amendments; defining certain terms; and generally relating to
2 the establishment of the Rural Legacy Program.

3 BY repealing and reenacting, with amendments,
4 Article - Natural Resources
5 Section 5-903(a) and (g)(1)
6 Annotated Code of Maryland
7 (1989 Replacement Volume and 1996 Supplement)

8 BY adding to
9 Article - Natural Resources
10 Section 5-9A-01 through 5-9A-08 5-9A-09, inclusive, to be under the new subtitle
11 "Subtitle 9A. Rural Legacy Program"
12 Annotated Code of Maryland
13 (1989 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Tax - Property
16 Section 13-209(c)
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1996 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Natural Resources**

22 5-903.

23 (a) (1) Of the funds distributed to Program Open Space under § 13-209 of the
24 Tax - Property Article, \$1,000,000 may be transferred by an appropriation in the State
25 budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State
26 Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing
27 Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be
28 used for the purposes provided in that subtitle.

29 (2) (i) Of the remaining funds not appropriated under paragraph (1) of
30 this subsection, one half of the funds shall be used for recreation and open space
31 purposes by the Department and the Historic St. Mary's City Commission. Except as
32 otherwise provided in this section, any funds the General Assembly appropriates to the
33 State under this subsection shall be used only for land acquisition projects.

34 (ii) A portion of the State's share of funds available under this
35 program shall be utilized to make grants to Baltimore City for projects which meet park
36 purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive
37 under subsection (b) of this section, and may be used for acquisition or development. In
38 order for Baltimore City to be eligible for a State grant, the Department shall review
39 projects or land to be acquired within Baltimore City, and upon the Department's
40 recommendation, the Board of Public Works may approve projects and land including the

1 cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore
 2 City. The State is not responsible for costs involved in the development or maintenance of
 3 the land.

4 (III) 1. A PORTION OF THE STATE'S SHARE OF FUNDS AVAILABLE
 5 UNDER THIS PROGRAM NOT TO EXCEED THE AMOUNTS SPECIFIED BELOW MAY BE
 6 TRANSFERRED BY AN APPROPRIATION IN THE STATE BUDGET TO THE RURAL
 7 LEGACY PROGRAM UNDER TITLE 5, SUBTITLE 9A OF THIS ARTICLE: FISCAL YEAR
 8 1998 (\$4 MILLION), FISCAL YEAR 1999 (\$7 MILLION), FISCAL YEAR 2000 (\$9 MILLION),
 9 FISCAL YEAR 2001 (\$9 MILLION), AND FISCAL YEAR 2002 (\$9 MILLION). FOR FISCAL
 10 YEARS 2003-2011, UP TO \$9 MILLION MAY BE TRANSFERRED TO THE GENERAL FUND
 11 AS A CONTRIBUTION TO DEBT SERVICE, PROVIDED THAT IN EACH OF THOSE FISCAL
 12 YEARS, \$35 MILLION IN GENERAL OBLIGATION BONDS HAS BEEN AUTHORIZED FOR
 13 THE RURAL LEGACY PROGRAM FOR FISCAL YEAR 2003 AND EACH FISCAL YEAR
 14 THEREAFTER, FUNDS MAY BE TRANSFERRED TO THE RURAL LEGACY PROGRAM AS
 15 PROVIDED IN THE STATE BUDGET, OF WHICH UP TO \$2 MILLION MAY BE USED TO
 16 ISSUE ZERO COUPON BONDS FOR EASEMENTS. SUMS ALLOCATED TO THE RURAL
 17 LEGACY PROGRAM NOT ATTRIBUTABLE TO THE SALE OF GENERAL OBLIGATION
 18 BONDS MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

19 A. IN FISCAL YEAR 1998, \$4 MILLION;

20 B. IN FISCAL YEAR 1999, \$5 MILLION;

21 C. IN FISCAL YEAR 2000, \$6 MILLION;

22 D. IN FISCAL YEAR 2001, \$7 MILLION; AND

23 E. IN FISCAL YEAR 2002 AND EACH FISCAL YEAR THEREAFTER,
 24 \$8 MILLION;

25 2. IN EACH FISCAL YEAR, UP TO \$2 MILLION OF THE FUNDS
 26 TRANSFERRED UNDER THIS SUBPARAGRAPH TO THE RURAL LEGACY PROGRAM MAY BE
 27 USED TO PURCHASE ZERO COUPON BONDS FOR EASEMENTS.

28 3. SUMS ALLOCATED TO THE RURAL LEGACY PROGRAM MAY
 29 NOT REVERT TO THE GENERAL FUND OF THE STATE.

30 (g) (1) For the fiscal year commencing July 1, 1990, any amount appropriated in the
 31 State budget, and for each subsequent fiscal year, up to 25 percent of the State's share of the
 32 funds THAT WOULD BE AVAILABLE UNDER THE PROGRAM IF 100 PERCENT OF THE FUNDS
 33 NOT REQUIRED UNDER § 13-209(B) OF THE TAX - PROPERTY ARTICLE IS AVAILABLE FOR
 34 DISTRIBUTION AS PROVIDED IN § 13-209(D)(3) OF THE TAX - PROPERTY ARTICLE
 35 [available under the program] may be used for capital improvements on land owned by the
 36 State for the use of the Department if the improvements are:

37 (i) Approved in the State budget; and

38 (ii) Compatible with:

39 1. Any master plan developed for the land; and

40 2. The natural features of the land.

1 SUBTITLE 9A. RURAL LEGACY PROGRAM.

2 5-9A-01.

3 (A) THE GENERAL ASSEMBLY DECLARES THAT:

4 (1) SPRAWL DEVELOPMENT AND OTHER MODIFICATIONS TO THE
5 LANDSCAPE IN MARYLAND CONTINUE AT AN ALARMING RATE, CONSUMING LAND
6 RICH IN NATURAL RESOURCE ~~AND~~ AGRICULTURAL ~~AND FORESTRY~~ VALUE,
7 ADVERSELY AFFECTING WATER QUALITY, WETLANDS AND HABITAT,
8 THREATENING RESOURCE-BASED ECONOMIES AND CULTURAL ASSETS, AND
9 RENDING THE FABRIC OF RURAL LIFE;

10 (2) CURRENT STATE, COUNTY, AND LOCAL LAND CONSERVATION
11 PROGRAMS HELP TO LIMIT THE EFFECT OF SPRAWL DEVELOPMENT BUT LACK
12 SUFFICIENT FUNDING AND FOCUS TO PRESERVE KEY AREAS BEFORE ESCALATING
13 LAND VALUES MAKE THEIR PROTECTION IMPOSSIBLE OR THE LAND IS LOST TO
14 DEVELOPMENT; AND

15 (3) A GRANT PROGRAM THAT LEVERAGES AVAILABLE FUNDING,
16 FOCUSES ON PRESERVATION OF STRATEGIC RESOURCES, INCLUDING THOSE
17 RESOURCES THREATENED BY SPRAWL DEVELOPMENT, STREAMLINES REAL
18 PROPERTY ACQUISITION PROCEDURES TO EXPEDITE LAND PRESERVATION, AND
19 PROMOTES A GREATER LEVEL OF NATURAL AND ENVIRONMENTAL RESOURCES
20 PROTECTION THAN IS PROVIDED BY EXISTING EFFORTS, ~~WHILE MAINTAINING THE~~
21 ~~VIABILITY OF RESOURCE-BASED LAND USAGE AND PROPER MANAGEMENT OF~~
22 ~~TILLABLE AND WOODED AREAS~~; WILL ESTABLISH A RURAL LEGACY FOR FUTURE
23 GENERATIONS.

24 (B) (1) A RURAL LEGACY PROGRAM IS ESTABLISHED TO ENHANCE
25 NATURAL RESOURCE, AGRICULTURAL, FORESTRY, AND ENVIRONMENTAL
26 PROTECTION AS PROVIDED IN SUBSECTION (A) OF THIS SECTION ~~BY PROVIDING,~~
27 WHILE MAINTAINING THE VIABILITY OF RESOURCE-BASED LAND USAGE AND
28 PROPER MANAGEMENT OF TILLABLE AND WOODED AREAS THROUGH ACCEPTED
29 AGRICULTURAL AND SILVICULTURAL PRACTICES FOR FARM PRODUCTION AND
30 TIMBER HARVESTS.

31 (2) ~~THE PROGRAM PROVIDES~~ FUNDS TO THE STATE, LOCAL
32 GOVERNMENTS AND LAND TRUSTS TO PURCHASE INTERESTS IN REAL PROPERTY
33 FROM WILLING SELLERS, INCLUDING EASEMENTS AND FEE ESTATES, FOCUSED IN
34 DESIGNATED RURAL LEGACY AREAS.

35 (2) (3) ~~THE PROGRAM SHALL CREATE~~ ENCOURAGE PARTNERSHIPS
36 AMONG THE FEDERAL, STATE, ~~AND~~ LOCAL GOVERNMENTS, AND NONPROFIT LAND
37 TRUST ORGANIZATIONS AND ~~ENCOURAGE LOCAL~~ LAND CONSERVATION
38 INITIATIVES.

39 (3) (4) ~~THE PROGRAM IS ADMINISTERED BY A RURAL LEGACY~~
40 BOARD IN THE DEPARTMENT OF NATURAL RESOURCES, AN ADVISORY COMMITTEE,
41 AND EXISTING STATE STAFF.

1 (C) THE PROGRAM IS FUNDED WITH PROCEEDS FROM THE SALE OF
2 ~~GENERAL OBLIGATION BONDS AND PURSUANT TO § 13-209 OF THE TAX - PROPERTY~~
3 ~~ARTICLE AND § 5-903 OF THE NATURAL RESOURCES ARTICLE;~~

4 (1) ~~FUNDS DISTRIBUTED PURSUANT TO § 13-209 OF THE TAX -~~
5 ~~PROPERTY ARTICLE AND § 5-903(A)(2)(III) OF THE NATURAL RESOURCES ARTICLE;~~
6 ~~AND~~

7 (2) ~~THE SALE OF BONDS BY THE PROCEEDS FROM THE SALE OF GENERAL~~
8 ~~OBLIGATION BONDS AS PROVIDED IN § 5-9A-09 OF THIS SUBTITLE.~~

9 (D) ~~WHEN NEGOTIATING AND AWARDING GRANTS, THE BOARD SHALL~~
10 ~~ENCOURAGE SPONSORS TO UTILIZE ZERO COUPON BONDS IN THE IMPLEMENTATION OF~~
11 ~~THE RURAL LEGACY PLAN IN ORDER TO REDUCE THE UTILIZATION OF GENERAL~~
12 ~~OBLIGATION BONDS IN FUNDING THE GRANTS.~~

13 5-9A-02.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "APPLICATION" MEANS AN APPLICATION TO THE RURAL LEGACY BOARD
17 TO DESIGNATE A RURAL LEGACY AREA.

18 (C) "BOARD" MEANS THE RURAL LEGACY BOARD.

19 (D) "BPW" MEANS THE MARYLAND STATE BOARD OF PUBLIC WORKS.

20 (E) "GRANT AGREEMENT" MEANS AN AGREEMENT BETWEEN THE BOARD
21 AND A SPONSOR TO IMPLEMENT A RURAL LEGACY PLAN IN A DESIGNATED RURAL
22 LEGACY AREA.

23 (F) "LAND TRUST" MEANS A QUALIFIED CONSERVATION ORGANIZATION AS
24 ~~DEFINED IN § 3-2A-01(D) OF THIS ARTICLE. THAT:~~

25 (1) ~~IS A QUALIFIED ORGANIZATION UNDER § 170(H)(3) OF THE~~
26 ~~INTERNAL REVENUE CODE AND REGULATIONS ADOPTED UNDER § 170 (H)(3); AND~~

27 (2) ~~HAS EXECUTED A COOPERATIVE AGREEMENT WITH THE~~
28 ~~MARYLAND ENVIRONMENTAL TRUST.~~

29 (G) "PROGRAM" MEANS THE RURAL LEGACY PROGRAM ESTABLISHED BY
30 THIS SUBTITLE.

31 (H) "RURAL LEGACY AREA" MEANS A REGION WITHIN OR OUTSIDE A
32 METROPOLITAN AREA DESIGNATED BY THE BOARD AS RICH IN ~~A MULTIPLE OF~~
33 AGRICULTURAL, NATURAL, FORESTRY AND CULTURAL RESOURCES.

34 (I) "RURAL LEGACY PLAN" MEANS A PLAN ACCEPTED BY THE BOARD FOR
35 ACQUISITION OF EASEMENTS AND FEE INTERESTS IN RURAL LEGACY AREAS.

36 (J) "SPONSOR" MEANS A LOCAL GOVERNMENT, GROUP OF LOCAL
37 GOVERNMENTS, OR A LAND TRUST.

1 5-9A-03.

2 (A) THERE IS A RURAL LEGACY BOARD ESTABLISHED IN THE DEPARTMENT
3 OF NATURAL RESOURCES TO ADMINISTER THE RURAL LEGACY PROGRAM.

4 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

5 (1) THE SECRETARY OF AGRICULTURE;

6 (2) THE SECRETARY OF NATURAL RESOURCES; AND

7 (3) THE DIRECTOR OF THE OFFICE OF PLANNING.

8 (C) THE SECRETARY OF NATURAL RESOURCES SHALL SERVE AS CHAIRMAN
9 OF THE BOARD.

10 (D) (1) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE STAFF
11 TO THE BOARD.

12 (2) THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF
13 PLANNING MAY PROVIDE ADDITIONAL STAFF.

14 5-9A-04.

15 (A) THE BOARD HAS AND MAY EXERCISE ALL POWERS NECESSARY TO
16 CARRY OUT THE PURPOSES OF THIS SUBTITLE.

17 (B) (1) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THE
18 PURPOSES OF THIS SUBTITLE, INCLUDING PROCEDURES FOR EXPEDITING
19 ACQUISITIONS.

20 (2) THE AUTHORITY GRANTED UNDER THIS SUBSECTION MAY NOT BE
21 CONSTRUED TO PERMIT ADOPTION OF A REGULATION APPLICABLE TO LAND THAT
22 IS NOT SUBJECT TO AN EASEMENT UNDER THIS SUBTITLE.

23 (C) (1) THE BOARD SHALL ESTABLISH A METHOD FOR APPRAISAL OF THE
24 FAIR MARKET VALUE OF REAL PROPERTY INTERESTS ACQUIRED UNDER THIS
25 SUBTITLE WHICH SHALL REFLECT FAIR MARKET, NATURAL RESOURCE, AND
26 AGRICULTURAL VALUES.

27 (2) ANY METHOD FOR APPRAISAL ESTABLISHED BY THE BOARD:

28 (f) SHALL INCLUDE CONSIDERATION OF ANY VALUE OF THE
29 PROPERTY FOR:

30 1. DEVELOPMENT;

31 2. AGRICULTURE;

32 3. NATURAL RESOURCES;

33 4. FORESTRY; AND

34 5. MINERAL RESOURCES; AND

1 ~~(H)~~ MAY NOT INCLUDE A VALUE FOR ANY RESOURCE USED OR
2 RESERVED BY THE OWNER FOR PRIVATE ECONOMIC BENEFIT.

3 (D) THE BOARD AND SPONSORS MAY ENTER INTO AGREEMENTS WITH
4 OTHER GOVERNMENTAL AGENCIES, INCLUDING THE MARYLAND AGRICULTURAL
5 LAND PRESERVATION FOUNDATION AND THE MARYLAND ENVIRONMENTAL TRUST,
6 FOR THE PURPOSE OF ESTABLISHING PARTNERSHIPS TO CARRY OUT THIS
7 PROGRAM.

8 5-9A-05.

9 (A) A SPONSOR MAY FILE AN APPLICATION TO DESIGNATE A RURAL LEGACY
10 AREA IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE BOARD. A LOCAL
11 GOVERNMENT MAY NOT APPLY FOR OR APPROVE AN APPLICATION FOR A RURAL
12 LEGACY AREA DESIGNATION ~~OUTSIDE ITS~~ INSIDE ANOTHER JURISDICTION'S
13 BOUNDARIES WITHOUT THAT JURISDICTION'S APPROVAL.

14 (B) THE APPLICATION SHALL DESCRIBE THE PROPOSED RURAL LEGACY
15 AREA, INCLUDE A RURAL LEGACY AREA PLAN, IDENTIFY EXISTING PROTECTED
16 LANDS, STATE THE ANTICIPATED LEVEL OF INITIAL LANDOWNER PARTICIPATION IN
17 THE PROGRAM AND THE AMOUNT OF THE GRANT REQUESTED, AND COMPLY WITH
18 THE CRITERIA SET FORTH BELOW.

19 (C) THE BOARD SHALL EVALUATE AND COMPARE APPLICATIONS IN
20 ACCORDANCE WITH THE FOLLOWING CRITERIA IN ORDER TO SELECT THOSE THAT
21 BEST CARRY FORWARD THE GOALS AND OBJECTIVES OF THE PROGRAM SET FORTH
22 IN § 5-9A-01 OF THIS SUBTITLE:

23 (1) THE SIGNIFICANCE OF THE AGRICULTURAL, FORESTRY, AND
24 NATURAL RESOURCES PROPOSED FOR PROTECTION, INCLUDING:

25 (I) THE DEGREE TO WHICH PROPOSED FEE OR EASEMENT
26 PURCHASES WILL PROTECT THE LOCATION, PROXIMITY, AND SIZE OF CONTIGUOUS
27 BLOCKS OF LANDS, GREEN BELTS OR GREENWAYS, OR AGRICULTURAL, FORESTRY,
28 OR NATURAL RESOURCE CORRIDORS;

29 (II) THE NATURE, SIZE, AND IMPORTANCE OF THE LAND AREA TO
30 BE PROTECTED, SUCH AS FARMLAND, FORESTS, WETLANDS, WILDLIFE HABITAT
31 AND PLANT SPECIES, VEGETATIVE BUFFERS, OR BAY OR WATERFRONT ACCESS; AND

32 (III) THE QUALITY AND PUBLIC OR ECONOMIC VALUE OF THE
33 LAND;

34 (2) THE DEGREE OF THREAT TO THE RESOURCES AND CHARACTER OF
35 THE AREA PROPOSED FOR PRESERVATION, AS REFLECTED BY PATTERNS AND
36 TRENDS OF DEVELOPMENT AND LANDSCAPE MODIFICATIONS IN AND
37 SURROUNDING THE PROPOSED RURAL LEGACY AREA;

38 (3) THE SIGNIFICANCE AND EXTENT OF THE CULTURAL RESOURCES
39 PROPOSED FOR PROTECTION THROUGH FEE SIMPLE PURCHASES, INCLUDING THE
40 IMPORTANCE OF HISTORIC SITES AND SIGNIFICANT ARCHAEOLOGICAL AREAS;

1 (4) THE ECONOMIC VALUE OF THE RESOURCE-BASED INDUSTRIES OR
2 SERVICES PROPOSED FOR PROTECTION THROUGH LAND CONSERVATION, SUCH AS
3 AGRICULTURE, FORESTRY, RECREATION, AND TOURISM;

4 (5) THE OVERALL QUALITY AND COMPLETENESS OF THE RURAL
5 LEGACY PLAN, INCLUDING:

6 (I) ~~EXISTING ZONING~~ THE DEGREE TO WHICH EXISTING
7 PLANNING, ZONING, AND GROWTH MANAGEMENT POLICIES ~~CONTRIBUTING~~
8 CONTRIBUTE TO LAND CONSERVATION AND THE PROTECTION OF CULTURAL
9 RESOURCES;

10 (II) THE DEGREE TO WHICH THE PROPOSED PLAN IS CONSISTENT
11 WITH THE APPLICABLE LOCAL COMPREHENSIVE PLAN, INCLUDING PROTECTION OF
12 SENSITIVE AREAS AND MINERAL RESOURCES;

13 (III) HOW WELL EXISTING OR NEW CONSERVATION PROGRAMS
14 ARE COORDINATED WITH THE PROPOSED ACQUISITION PLAN;

15 (III) (IV) HOW WELL THE PLAN WILL MAXIMIZE ACQUISITION OF
16 REAL PROPERTY INTERESTS IN CONTIGUOUS BLOCKS OF LAND WITHIN THE RURAL
17 LEGACY AREA WHILE PROVIDING FOR PROTECTION OF ISOLATED ACQUISITIONS
18 IMPORTANT TO THE PLAN;

19 (IV) (V) PROVISIONS FOR PROTECTION OF RESOURCES, SUCH AS
20 VOLUNTARILY GRANTED OR PURCHASED EASEMENTS, FEE ESTATE PURCHASES, OR
21 GIFTS OF LANDS;

22 (V) (VI) HOW THE SPONSOR PLANS TO MANAGE, PRIORITIZE, AND
23 SEQUENCE EASEMENT AND LAND ACQUISITIONS;

24 (VI) (VII) METHODOLOGY FOR PRIORITIZING AND VALUING OR
25 APPRAISING EASEMENTS;

26 (VII) (VIII) PROPOSED TITLEHOLDERS FOR EASEMENT OR FEE
27 ESTATE ACQUISITIONS; AND

28 (VIII) (IX) THE QUALITY OF THE PROPOSED STEWARDSHIP
29 PROGRAM FOR HOLDING AND MONITORING OF EASEMENT RESTRICTIONS IN
30 PERPETUITY;

31 (6) THE STRENGTH AND QUALITY OF PARTNERSHIPS CREATED FOR
32 LAND CONSERVATION AMONG FEDERAL, STATE, AND LOCAL GOVERNMENTS AND
33 LAND TRUSTS FOR IMPLEMENTING THE PLAN, INCLUDING:

34 (I) FINANCIAL SUPPORT;

35 (II) DEDICATION OF STAFF AND RESOURCES; AND

36 (III) COMMITMENT TO AND DEVELOPMENT OF LOCAL LAND
37 CONSERVATION POLICIES, SUCH AS CHANGES IN ZONING AND USE OF
38 TRANSFERABLE DEVELOPMENT RIGHTS;

1 (7) THE EXTENT TO WHICH FEDERAL OR OTHER GRANT PROGRAMS
2 WILL SERVE AS A FUNDING MATCH; AND

3 (8) A SPONSOR'S ABILITY TO CARRY OUT THE PROPOSED RURAL
4 LEGACY PLAN AND THE GOALS AND OBJECTIVES OF THE PROGRAM.

5 (D) THE BOARD:

6 (1) SHALL REVIEW APPLICATIONS AND MAY REQUEST ADDITIONAL
7 INFORMATION FROM A SPONSOR;

8 (2) SHALL SUBMIT APPLICATIONS TO APPROPRIATE STATE AGENCIES
9 AND TO THE ADVISORY COMMITTEE ESTABLISHED BY THIS SUBTITLE AND
10 CONSIDER ANY RECOMMENDATIONS MADE REGARDING THE APPLICATIONS; AND

11 (3) MAY NEGOTIATE THE TERMS OF AN APPLICATION AND PROPOSED
12 RURAL LEGACY AREA AND PLAN WITH A SPONSOR.

13 (E) (1) A SPONSOR SHALL ASSURE ADEQUATE PUBLIC PARTICIPATION IN
14 THE DEVELOPMENT OF AN APPLICATION AND PROVIDE THE BOARD WITH A
15 SUMMARY OF THAT PARTICIPATION.

16 (2) (I) IF AN APPLICATION PROPOSES THAT A RURAL LEGACY AREA
17 BE LOCATED WITHIN 1 MILE OF THE BOUNDARY OF A MUNICIPAL CORPORATION,
18 THE MUNICIPAL CORPORATION SHALL HAVE 45 DAYS TO REVIEW AND COMMENT
19 ON THE APPLICATION BEFORE THE APPLICATION IS SUBMITTED TO THE BOARD.

20 (II) THE SPONSOR SHALL SUBMIT TO THE BOARD WITH THE
21 COMPLETED APPLICATION A SUMMARY OF THE COMMENTS FROM THE MUNICIPAL
22 CORPORATION.

23 (F) (1) A LAND TRUST SHALL CONSULT WITH A LOCAL GOVERNMENT
24 PRIOR TO FILING AN APPLICATION; ~~AND.~~

25 (2) THE BOARD MAY NOT APPROVE OR AMEND AN APPLICATION
26 WITHOUT LOCAL GOVERNMENT APPROVAL.

27 (G) THE RIGHT OF PUBLIC ACCESS MAY NOT BE REQUIRED UNDER A
28 CONSERVATION EASEMENT.

29 (H) A LAND TRUST MAY NOT HOLD EXCLUSIVE TITLE TO REAL PROPERTY
30 INTERESTS ACQUIRED UNDER THIS SUBTITLE.

31 (I) AN EASEMENT ACQUIRED UNDER THIS SUBTITLE IS PERPETUAL AND
32 MAY NOT BE EXTINGUISHED OR RELEASED.

33 (J) WITH THE APPROVAL OF A LANDOWNER, FUNDS UNDER THIS PROGRAM
34 MAY BE USED TO PURCHASE A DEVELOPMENT RIGHT AS PART OF AN EASEMENT OR
35 FEE ESTATE ACQUISITION. A DEVELOPMENT RIGHT SHALL BE HELD BY THE
36 TITLEHOLDER AND THE BOARD AND MAY BE SOLD ONLY WITHIN THE SAME
37 JURISDICTION PURSUANT TO LOCAL LAW.

38 (K) ALL EASEMENT ACQUISITIONS MUST BE RECORDED AMONG THE LAND
39 RECORDS WHERE THE REAL PROPERTY IS LOCATED.

1 (L) STATE OR LOCAL CONDEMNATION AUTHORITY MAY NOT BE USED TO
2 ACQUIRE REAL PROPERTY INTERESTS UNDER THIS PROGRAM.

3 (M) FUNDS MAY BE USED TO PURCHASE AN EASEMENT FOR THE PROTECTION
4 OF HISTORIC SITES OR SIGNIFICANT ARCHEOLOGICAL AREAS THAT OTHERWISE
5 MEET THE GOALS OF THIS PROGRAM, ONLY IF THE SPONSOR IS ACQUIRING REAL
6 PROPERTY INTERESTS THROUGH A FEE ESTATE SIMPLE PURCHASE.

7 (N) A LAND OR MINERAL OWNER WHO PARTICIPATES IN THIS PROGRAM MAY
8 RESERVE MINERAL RIGHTS FOR EXTRACTION IN ACCORDANCE WITH APPLICABLE
9 LAWS AND THE TERMS OF THE EASEMENT OR FEE ACQUISITION.

10 5-9A-06.

11 (A) THE BOARD MAY DESIGNATE A RURAL LEGACY AREA AND ACCEPT A
12 RURAL LEGACY PLAN IN ACCORDANCE WITH THE CRITERIA SET FORTH IN THIS
13 SUBTITLE AND THE OVERALL GOALS AND OBJECTIVES OF THE PROGRAM.

14 (B) (1) THE BOARD MAY AWARD A GRANT TO A SPONSOR OF A
15 DESIGNATED RURAL LEGACY AREA IN AN AMOUNT DETERMINED BY THE BOARD
16 AND PURSUANT TO THE TERMS OF A GRANT AGREEMENT.

17 (2) A PORTION OF THE GRANT MAY BE USED TO PAY FOR
18 ADMINISTRATIVE COSTS, INCLUDING COSTS ASSOCIATED WITH THE MONITORING
19 OF AN EASEMENT.

20 (I) ADMINISTRATIVE COSTS, NOT TO EXCEED 3 PERCENT OF THE
21 GRANT AMOUNT; AND

22 (II) PROGRAM COMPLIANCE COSTS FOR MONITORING EASEMENTS,
23 AS STATED IN THE GRANT AGREEMENT.

24 (3) THE BOARD MAY ESTABLISH TIME LIMITATIONS ON THE USE OF
25 GRANT FUNDS.

26 (C) (1) THE BOARD'S ACTIONS IN SUBSECTIONS (A) AND (B) OF THIS
27 SECTION ARE SUBJECT TO APPROVAL BY THE BOARD OF PUBLIC WORKS.

28 (2) BPW APPROVAL ENCUMBERS THE GRANT FUNDS.

29 (D) THE BOARD SHALL ENCOURAGE LOCAL GOVERNMENTS TO REFLECT
30 RURAL LEGACY PLANS IN THEIR COMPREHENSIVE LAND USE PLANS AS UPDATED
31 AND REVISED.

32 5-9A-07.

33 (A) THE BOARD AND THE APPROVED SPONSOR OF A DESIGNATED RURAL
34 LEGACY AREA SHALL EXECUTE A GRANT AGREEMENT.

35 (B) THE SPONSOR SHALL COMPLY WITH THE TERMS OF THE GRANT
36 AGREEMENT, CARRY OUT THE RURAL LEGACY PLAN, AND ADHERE TO
37 REGULATIONS ADOPTED BY THE BOARD.

1 (C) IF A SPONSOR VIOLATES ANY PROVISION OF THE GRANT AGREEMENT OR
2 CEASES TO MEET THE REQUIREMENTS OF THIS SUBTITLE, THE BOARD MAY
3 EXERCISE ANY REMEDY PROVIDED BY THE AGREEMENT OR BY LAW.

4 (D) (1) THE SPONSOR SHALL SUBMIT TO THE BOARD FOR APPROVAL
5 CONTRACTS FOR EASEMENT OR FEE ESTATE ACQUISITIONS.

6 (2) THE BOARD MAY ACCEPT A CONTRACT SUBJECT TO APPROVAL BY
7 THE BOARD OF PUBLIC WORKS.

8 (E) UPON BPW APPROVAL, A SPONSOR MAY SEEK PAYMENT FOR AN
9 ~~ACQUISITION FROM THE DEPARTMENT OF NATURAL RESOURCES~~ THE STATE SHALL
10 PAY THE SPONSOR FOR THE ACQUISITION.

11 (F) THE SPONSOR SHALL SUBMIT AN ANNUAL REPORT TO THE ~~RURAL~~
12 ~~LEGACY~~ BOARD.

13 (G) THE BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1312
14 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY BEFORE
15 NOVEMBER 1 OF EACH YEAR ON:

16 (1) THE FINANCIAL STATUS OF THE PROGRAM FOR THE PRECEDING
17 FISCAL YEAR, INCLUDING THE AMOUNT OF GRANTS ENCUMBERED AND
18 DISBURSED;

19 (2) THE NUMBER OF APPLICATIONS RECEIVED;

20 (3) THE NUMBER AND LOCATION OF RURAL LEGACY AREAS
21 DESIGNATED; AND

22 (4) THE PROGRAM'S PROGRESS IN CONTRIBUTING TO LAND
23 PRESERVATION EFFORTS.

24 5-9A-08.

25 (A) (1) THERE IS AN ADVISORY COMMITTEE TO THE BOARD IN THE
26 DEPARTMENT OF NATURAL RESOURCES.

27 (2) THE COMMITTEE IS ESTABLISHED TO REVIEW APPLICATIONS FOR
28 RURAL LEGACY AREAS, MAKE RECOMMENDATIONS FOR RURAL LEGACY AREA
29 DESIGNATIONS TO THE BOARD, AND CONSIDER SUCH OTHER MATTERS AS
30 REQUESTED BY THE BOARD.

31 (B) THE COMMITTEE HAS ~~NINE~~ 11 MEMBERS AS FOLLOWS:

32 (1) A TRUSTEE OF THE MARYLAND AGRICULTURAL LAND
33 PRESERVATION FOUNDATION;

34 (2) A TRUSTEE OF THE MARYLAND ENVIRONMENTAL TRUST;

35 (3) A REPRESENTATIVE OF THE AGRICULTURE INDUSTRY;

36 (4) A REPRESENTATIVE OF A NONPROFIT LAND CONSERVATION
37 ORGANIZATION;

1 (5) A REPRESENTATIVE OF A NONPROFIT ENVIRONMENTAL
2 ORGANIZATION;

3 (6) A REPRESENTATIVE OF THE FOREST INDUSTRY;

4 (7) A REPRESENTATIVE OF A ~~LOCAL~~ COUNTY GOVERNMENT
5 DEPARTMENT OF PARKS AND RECREATION;

6 (8) A REPRESENTATIVE OF A BUSINESS ORGANIZATION; ~~AND~~

7 (9) A PRIVATE LAND OWNER; AND

8 (10) A REPRESENTATIVE OF THE MINERAL RESOURCES INDUSTRY; AND

9 (11) A REPRESENTATIVE OF A MUNICIPAL CORPORATION.

10 (C) (1) COMMITTEE MEMBERS ARE APPOINTED BY THE GOVERNOR WITH
11 THE ADVICE AND CONSENT OF THE SENATE.

12 (2) THE GOVERNOR SHALL SOLICIT NOMINEES FROM INDUSTRIES AND
13 GROUPS WHICH ARE REPRESENTED ON THE COMMITTEE.

14 (3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
15 THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON JULY 1, 1997.

16 ~~(3)~~ (4) THE MEMBERS SHALL REPRESENT GEOGRAPHICALLY AND
17 ETHNICALLY DIVERSE AREAS.

18 (D) (1) THE TERM OF MEMBERSHIP IS 3 YEARS.

19 (2) A PERSON MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

20 (E) THE GOVERNOR SHALL DESIGNATE THE CHAIRPERSON OF THE
21 COMMITTEE.

22 (F) THE DEPARTMENT OF NATURAL RESOURCES, IN COOPERATION WITH
23 THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF PLANNING, SHALL
24 PROVIDE STAFF SUPPORT FOR THE COMMITTEE.

25 5-9A-09.

26 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET AN AMOUNT
27 NOT LESS THAN \$5 MILLION FOR THIS PROGRAM.

28 **Article - Tax - Property**

29 13-209.

30 (c) (1) Subject to subsection (e) of this section, [for fiscal years commencing
31 before July 1, 1997] the balance of the revenue in the special fund, not required under
32 subsection (b) of this section, shall be allocated as provided in this subsection.

33 (2) For the fiscal year commencing July 1, 1993, 50% of the balance shall be
34 allocated as provided under paragraph (5) of this subsection and 50% shall be allocated
35 to the General Fund of the State.

1 (3) For the fiscal year commencing July 1, 1994, 70% of the balance shall be
2 allocated as provided under paragraph (5) of this subsection and 30% shall be allocated
3 to the General Fund of the State.

4 (4) For each of the fiscal years commencing July 1, 1995 and July 1, 1996,
5 90% of the balance shall be allocated as provided under subsection (d) of this section and
6 10% shall be allocated to the General Fund of the State.

7 (5) For each of the fiscal years commencing July 1, 1993 and July 1, 1994,
8 the percentage of the balance specified for the fiscal year under paragraph (2) or (3) of
9 this subsection shall be allocated as follows:

10 (i) not less than \$1,000,000 for reduction of State debt authorized
11 under the Outdoor Recreation Land Loan of 1969; and

12 (ii) the remainder not allocated under item (i) of this paragraph shall
13 be allocated as follows:

14 1. 84.2% in the State budget for the purposes specified in Title
15 5, Subtitle 9 of the Natural Resources Article (Program Open Space);

16 2. 13.2% in the State budget for the Agricultural Land
17 Preservation Fund established under § 2-505 of the Agriculture Article; and

18 3. 2.6% in the State budget for the Heritage Conservation Fund
19 established under Title 5, Subtitle 15 of the Natural Resources Article.

20 (6) ~~FOR THE FISCAL YEAR COMMENCING JULY 1, 1997 AND FOR EACH~~
21 ~~SUBSEQUENT FISCAL YEAR, 90% OF THE BALANCE SHALL BE ALLOCATED AS~~
22 ~~PROVIDED UNDER SUBSECTION (D) OF THIS SECTION AND 10% SHALL BE~~
23 ~~ALLOCATED AS FOLLOWS:~~

24 ~~(I) SIXTY PERCENT 60% TO THE RURAL LEGACY PROGRAM~~
25 ~~ESTABLISHED UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;~~
26 ~~AND~~

27 ~~(II) FORTY PERCENT 40% TO THE MARYLAND AGRICULTURAL~~
28 ~~LAND PRESERVATION FUND ESTABLISHED UNDER § 2-505 OF THE AGRICULTURE~~
29 ~~ARTICLE.~~

30 ~~(7) FOR THE FISCAL YEAR COMMENCING JULY 1, 1998 AND FOR EACH~~
31 ~~SUBSEQUENT FISCAL YEAR, 90% OF THE BALANCE SHALL BE ALLOCATED AS PROVIDED~~
32 ~~UNDER SUBSECTION (D) OF THIS SECTION AND 10% SHALL BE ALLOCATED AS FOLLOWS:~~

33 ~~(I) 50% TO THE RURAL LEGACY PROGRAM ESTABLISHED UNDER~~
34 ~~TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;~~

35 ~~(II) 40% TO THE MARYLAND AGRICULTURAL LAND PRESERVATION~~
36 ~~FUND ESTABLISHED UNDER § 2-505 OF THE AGRICULTURE ARTICLE; AND~~

37 ~~(III) 10% TO PROGRAM OPEN SPACE, FOR LAND ACQUISITION AS~~
38 ~~SPECIFIED IN § 5-903(A)(2) OF THE NATURAL RESOURCES ARTICLE.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this
2 Act shall govern the distribution of funds as contained in Chapter _____ (H.B. 175) of the
3 Acts of the General Assembly of 1997 for fiscal year 1998 to the extent provisions of this Act
4 provide for an allocation of funds different from that provided for in the Budget Bill, Chapter
5 _____ of the Acts of 1997 (H.B. 175), it is the intent of the General Assembly that the
6 allocation provided under this Act shall control. The Governor is hereby authorized to transfer
7 funds by approved budget amendment to the extent required to effect the fund allocation
8 provided under this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
10 members of the advisory committee to the Rural Legacy Board shall expire as follows:

- 11 (1) 4 members in fiscal 2000;
12 (2) 4 members in fiscal 2001; and
13 (3) 2 3 members in fiscal 2002.

14 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 1997.